

(1) Second and Final Account and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and (3) for Termination of Conservatorship and (4) Distribution of Personal Property

Age: 73 DOB: 03/31/38		PUBLIC GUARDIAN, Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 08/01/02 – 07/31/11	
		Accounting - \$115,151.41	
		Beginning POH - \$931.22	
		Ending POH - \$1,129.65	
Cont. from			
	Aff.Sub.Wit.	Conservator - \$3,657.20 (32.95	
✓	Verified	Deputy hours @ \$96.00/hr. and 6.50 Staff hours @ \$76.00/hr.)	
	Inventory		
	PTC	Attorney - \$1,500.00 (less than allowed per Local Rule)	
	Not.Cred.		
✓	Notice of Hrg	Bond fee - \$225.00 (ok)	
✓	Aff.Mail	Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Petitioner requests that the Court terminate the conservatorship of the person and estate. Petitioner states the conservatee is a long term custodial, skilled nursing facility resident and that alternatives to conservatorship exist that can address medical decisions pursuant to Probate Code § 3200 and Health & Safety Code § 1418.8. Further, the Mr. Erickson receives Medi-Cal benefits and income of Social Security benefits only and no longer has an estate to protect. Petitioner states that Mr. Erickson's income could be managed by a representative or institutional payee which is less costly to the conservatee. The facility where Mr. Erickson resides provides institutional payee services for Social Security benefits.	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	Petitioner prays for an Order: <ol style="list-style-type: none"> 1) Terminating the conservatorship of the person and estate; 2) Approving, allowing and settling the second and final account; 3) Authorizing the conservator and attorney fees and commissions; 4) Authorizing payment of the bond fee; 5) Authorizing petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions; and 6) Authorizing the distribution of the conservatee's personal effects to the conservatee. 	Reviewed by: JF Reviewed on: 10/27/11 Updates: Recommendation: File 1 - Erickson

(1) Eighth Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney (Prob. C. 2620; 2623; 2942)

Age: 61 DOB: 08/31/50	PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. It appears there is an error in the math in totaling the Total Charges in paragraph 7 of the Petition. The Total Charges should be \$441,799.61 resulting in a bond fee amount of \$2,209.00.
	Account period: 08/01/09 – 07/31/11	
	Accounting - \$515,200.10	
Cont. from	Beginning POH - \$432,711.61	
Aff.Sub.Wit.	Ending POH - \$426,227.33	
✓ Verified		
Inventory	Conservator - \$2,532.80	
PTC	(16.25 Deputy hours @ \$96.00/hr. and 12.80 Staff hours @ \$76.00/hr.)	
Not.Cred.		
✓ Notice of Hrg	Attorney - \$2,000.00	
✓ Aff.Mail w/	(per Local Rule)	
Aff.Pub.	Bond fee - \$2,286.86	
Sp.Ntc.		
Pers.Serv.	Petitioner prays for an Order:	
Conf. Screen	1) Approving, allowing and settling the eighth account;	
Letters	2) Authorizing the conservator and attorney fees and commissions; and	
Duties/Supp	3) Authorizing payment of the bond fee.	
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		Reviewed by: JF
Aff. Posting		Reviewed on: 10/27/11
Status Rpt		Updates:
UCCJEA		Recommendation:
Citation		File 2 - Agbisit
FTB Notice		

Atty Keeler, William J. (Petitioner/court appointed attorney for conservatee)
 Atty Wille, Arthur G. (for Objector County of Fresno)

Petition for Attorney's Fees and Costs (Prob. C. 1470 et seq)

		WILLIAM KEELER , Court appointed attorney for the Conservatee, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Related case on page 6. Continued from 8/24/11. Minute order states the Court continues the matter for the purpose of having the issue researched by the research attorney. <u>Note to Judge:</u> When Mr. Keeler was appointed to represent the Conservatee, the conservatorship estate had no funds to hire an attorney to represent him in the civil litigation. As a result of the civil litigation the conservatee is to receive funds. Probate Code §1470(c)(1) states if the person for whom legal counsel is appointed is an adult, the Court upon conclusion of the matter, shall order the funds to be paid from the estate of that person.
		William Keeler was court appointed to represent the conservatee on 2/26/09. Pursuant to the 2/26/09 order the fees and costs are to be paid by the County of Fresno at the Court rate of a minimum of \$600 for 7½ hours of service of service and \$80 an hour beyond the first 7½ hours upon Court approval.	
Cont. from 070611, 082411		Petitioner states, under the initial 2/26/09 court appointment order, Petitioner's chief tasks were to review the newly filed Petition for conservatorship and to assist the Conservatee through the conservatorship process. A total of 25.00 hours have been expended on this matter, at a court-ordered rate of \$80.00 an hour which would result in a total sum of \$2,000.00 in attorney fees and \$355.00 in necessary and allowable costs.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections	W/POS	
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	On 3/17/09 by Order of Honorable Debra J. Kazanjian, William Keeler, as court appointed counsel was instructed by Judge Kazanjian to assist in the defense of litigation adverse to Conservatee in the civil action, <u>Trebor Financial Group Inc., vs. Esther McDonald</u> , et al., Fresno Superior Court case no. 07CECG02381 AMS. The order provided that Mr. Keeler may have an associate at Dowling Aaron and Keeler, Inc. assist in the representation of the conservatee and that such defense will be reimbursed at the rate set forth previously in the 2/26/09 Order. Under the 3/17/09 Court-appointment, Petitioner and associates from him firm performed tasks related to the litigation. The filings required Petitioner to engage in a substantial amount of legal research, investigate facts surrounding the case and prepare for and attend court hearings. <i>Please see additional page</i>	
			Reviewed by: KT Reviewed on: 10/27/11 Updates: 11/1/11 Recommendation: File 3 - Lemons

In addition to the complexity of this case, it was necessary for Petitioner to engage in methods of discovery including but not limited to, the propounding and responding to written discovery, taking of depositions; telephone conferences with counsel; subpoenaing key witness; and collecting and analyzing voluminous records.

After extensive settlement discussions during the scheduled Trial Readiness hearing on 5/21/10, which included the parties and the Honorable Judge Donald S. Black, the parties were able to reach a conditional settlement. The terms of the Settlement were as follows:

- a. Within 90 days of 5/21/10, payment of \$38,000 will be made by Trebor Financial Group Inc. and/or Dr. Dana Gawley. The \$38,000 is to be paid to and held in trust (and/or a special needs trust if necessary) for the benefit of Miklos Lemons.
- b. If payment of the \$38,000 is not made within 90 days from 5/21/10; then Trebor Financial Group Inc. and/or Dr. Dana Gawley agrees to pay \$45,000 to be paid to and held in trust (and/or a special needs trust if necessary) for the benefit of Miklos Lemons.
- c. The \$45,000 obligation can be satisfied by execution of a one-year note at 6% interest with interest beginning to accrue on the 91st day after 5/21/10. The note shall be secured by the subject property – 27274 Donner Avenue, Clovis, CA.
- d. Alternatively, if the payment of \$38,000 is not made within 90 days from 5/21/10, on the 91st day in lieu of payment of the \$45,000, Trebor financial Group Inc. and/or Dr. Dana Gawley may deed, convey, transfer all interest, free and clear, in the Subject Property to be held in trust (and/or a special needs trust if necessary) for the benefit of Miklos Lemons.

Petitioner states while protecting and advancing the rights of Conservatee Miklos Lemons in the *Trebor* litigation, Petitioner expended 555.85 hours in the Trebor Litigation matter. However, to provide a cost-savings to the County of Fresno and the Conservatorship estate, Petitioner is requesting reimbursement for only **538.65 hours**, at the court ordered rate of **\$80 an hour**, for a sum of **\$43,092.00** in fees. Likewise, Petitioner has incurred **\$6,671.22** in necessary and allowable costs.

Based on the time expended in both the conservatorship and the civil litigation, Petitioner is due and owing the total amount of **\$45,172.00** for services rendered to the conservatee. Further, Petitioner is due and owing the total amount of **\$7,026.22** for necessary and allowable out-of-pocket costs advanced by Dowling, Aaron and Keeler, Inc.

Petitioner prays for an Order that:

1. The County of Fresno be directed to pay the total sum of \$45,092.00 to Dowling, Aaron & Keeler, Inc. as payment for fees rendered to the Conservatee;
2. The County of Fresno be directed to pay the total sum of \$7,026.22 to Dowling, Aaron & Keeler, Inc., as reimbursement for necessary and allowable out-of-pocket costs advanced in this matter.

Please see additional page

Objections of County of Fresno to Petition for Attorney Fees and Costs and to the Declaration of William J. Keeler in support of Petition for Attorney Fees and Costs filed on 8/18/11 states it appears at the time of Mr. Keeler's appointment represent the conservatee in the appointment of a conservator there were not sufficient assets from which to pay his fees. Mr. Keeler was further instructed by Judge Kazanjian to assist in the defense of litigation adverse to the Conservatee ("the Litigation"). The County is unaware of any authority by which the Court could make such an order. The County is informed that the conservatorship estate now has several thousand dollars which Mr. Keeler can now be paid. Probate Code §1472(b) provides that the County pay for private counsel only if the Court determines that the person lacks the ability to pay for said counsel. The conservatee can and should pay for Mr. Keeler's services. The County does not dispute that Mr. Keeler performed the work described in his billing statements related to the Litigation, the county is clearly not responsible to pay Mr. Keeler's fees and costs. Rather, given the apparent availability of funds in the conservatorship estate, Mr. Keeler should look to that estate for payment of his fees. Based on the foregoing, **The County requests that the Court deny Mr. Keeler's request for payment of fees and costs from the County. To the extent Mr. Keeler is entitled to payment of fees and costs, such fees and costs should be paid from the conservatorship estate.**

Response to County of Fresno's Objections filed by William Keeler on 8/22/11 states the funds received from the settlement of the Litigation will not be paid to the conservatorship estate. Rather, any funds received from the settlement are to be placed in a special needs trust by order of the court approving the settlement are to be placed into a special needs trust by order of the court approving the settlement dated July 28, 2010. Therefore, none of the funds received from the settlement of the Litigation will ever be part of the conservatorship estate and are thus unavailable to pay counsel.

Petitioner's fees are based on the total number of hours worked and fees incurred, all of which are reasonable and necessary because of the services requested. Probate Code §1472(b) authorizes the county to "pay the sum to the private counsel to the extent that the court determines the person is unable to pay."

Wherefore, Petitioner reiterates his request that attorneys' fees be approved as prayed in his Petition for Attorney Fees and Costs.

Declaration of Lisa Horton Regarding Orders for Payment of Attorney Fees and Costs filed on 11/1/11 states on October 27, 2010, the Court approved the First Account and Report of Conservator and Petition for Its Settlement, for Allowance of Attorney Fees and for Dispensing of Further Accountings and signed an Order for payment of their attorney fees. According to the Order, the Law Offices of Joanne Sanoian are to be paid \$3,400 upon establishment of the conservatee's Special Needs Trust for services to the conservators and \$355.00 for costs advanced. At the hearing held on 8/25/11, the court order that Joanne Sanoian's fees of \$3,400.00 and costs advanced of \$355.00, already contained within a court order, be paid from the settlement proceeds. On September 20, 2011 the court signed an Order After Hearing for Payment of Attorney Fees and Costs Advanced. The Order was faxed to Mr. Keeler on October 13, 2011 for payment of those fees.

Please see additional page

Declaration of Lisa Horton continued: On October 18, 2011, Ms. Horton received a letter from Mr. Keeler stating they “will not be issuing payment for fees at this time.” Mr. Keeler wants to wait for the outcome of his Petition for Fees because there “...will need to be an allocation...”

Ms. Horton asserts that the two Court orders signed by this court in October 2010 and September 2011 do not state anywhere that there is to be any allocation between their fees and Mr. Keeler’s fees nor that their office has to wait for their fees to be paid until Mr. Keeler’s petition for attorney fees is decided.

Ms. Horton states the Law Offices of Joanne Sanoian has incurred additional fees for attendance at the hearing on 8/24/11, preparation of a second order after hearing and preparation of this declaration and review of and preparation of correspondences with the offices of Dowling, Aaron and Keeler. Therefore Petitioner respectfully requests that an additional \$1,830 be awarded their office and said sum be added to the existing court orders for a total payment of \$3,822.50 and \$355.00 in costs.

		DEBRA K. BEATH , Administrator with full IAEA with bond of \$500,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOD: 5-4-08			
			<u>CONTINUED TO 12-14-11</u> at request of Attorney Jaech's office
		Account period: 7-24-08 through 12-31-10	1. <u>Request for Special Notice was filed 8-5-10.</u> Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1252 on Attorney Tamara L. Lyles of Lang, Richert & Patch (for Rabobank, NA) or waiver of notice. Note: This matter cannot go forward unless this notice is accomplished or waived.
Aff.Sub.Wit.			
✓ Verified		Accounting: \$ 222,498.13	2. Ongoing litigation Rabobank, NA v. <u>LCM Farms, Inc.</u> (one of Decedent's businesses) is Case # 09CECG02791. Hearing on a motion for summary judgment is set for 1-5-12 in Dept. 503. Petitioner states "Rabobank has sued the <u>personal representative</u> , alleging that the estate is liable for certain debt of <u>B&B Riverbend Farms, LLC.</u> " <u>Need clarification:</u> Is Petitioner referring to the same litigation, or additional litigation involving the other business (B&B)? SEE PAGE 2
✓ Inventory		Beginning POH: \$ 45,039.00	
✓ PTC		Ending POH: \$ 14,149.08	Reviewed by: skc
✓ Not.Cred.			
✓ Notice of Hrg		Administrator: Not addressed	Reviewed on: 10-27-11
✓ Aff.Mail			Updates:
Aff.Pub.		Attorney: Not addressed	Recommendation:
Sp.Ntc.			File 4 -Boos
Pers.Serv.		Petitioner states the estate is not in a condition to be closed. The estate is insolvent and has unpaid claims and expenses of over \$500,000.00, but cash in the amount of approx. \$13,000.00. The estate owns two business interests, neither of which are now operating. B&B Riverbend Farms, LLC owns farmland that is encumbered in excess of its value, and has been leased to a tenant. The only hope that any of the creditors can be paid is if the B&B Riverbend lenders forbear from foreclosing on their loans and the value of the farmland increases such that B&B Riverbend becomes solvent.	
Conf. Screen			
✓ Letters	7-23-08		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice		Petitioner requests the bond be reduced to \$15,000.00. Petitioner requests an Order that: 1. The administration be allowed to continue; 2. The account be settled, allowed and approved; 3. All acts and proceedings of Administrator be confirmed and approved; and 4. Bond be reduced to \$15,000.00	

NEEDS/PROBLEMS/COMMENTS (Continued):

3. Petitioner discloses that Boos & Associates (Decedent's brother's firm) has been used for accounting purposes. Petitioner states Boos & Associates is owed a total of \$37,506.04 for accounting, consultation and tax preparation fees and assistance in management of the businesses.

Need allocation of estate expenses vs. business expenses or authority for the full amount as an estate expense.

4. The I&A filed 3-10-10 indicates Decedent owned a 50% interest in B&B Riverbend Farms, LLC, valued at \$0. During this account period, Petitioner purchased the other half of the business for \$309,952.00, "payable in the form of a secured promissory note." The estate now owns 100% of this business, which is valued at \$0 in the POH Schedule.

Need clarification regarding the purchase price, note, and security, and Probate Code §9760.

- If the estate's 50% was valued at \$0, how was the other 50% valued at \$309,952.00 and how is the entire 100% now valued at \$0?
- What is the note secured by? The estate does not appear to contain assets that could be, or were, used as security.
- Need clarification regarding Probate Code §9760(b) (continuation of business after six months, and the advantage to the estate to do so).

5. Petitioner states B&B Riverbend Farms, LLC is not operating, but has land that is leased to a tenant; however, there are no lease payments in the Receipts Schedule. Need clarification: Is there an income from the lease, and are the tenants operating the land?

6. Petitioner requests her bond be reduced based on the amount of property on hand in the estate; however, the court may require clarification or authority with reference to:

- the apparent commingling of estate and business assets and liabilities
- the ongoing litigation referenced above (Petitioner notes that the ongoing litigation has to do with a claim that "did not arise until after the decedent's death.")
- that Petitioner is a creditor of the estate for \$93,932.32 plus interest

7. Need clarification regarding the \$16,000.00 loss for "wrongful taking of household furniture and furnishings and personal effects by Kellie Brittain."

8. Need clarification regarding the use of Decedent's personal credit cards and accounts during this account period for estate/ business purposes. How are the Decedent's personal credit accounts still active?

9. Need Allowance or Rejection of the remaining claims.

10. Petitioner is a creditor of the estate for \$93,932.32 plus interest for past due child support. Need Allowance or Rejection of creditor's claim for review by the court before this account can be approved listing this item as a liability.

11. Schedule I indicates certain creditors and businesses appear to have been paid sums out of priority (Sam Jorgensen, whose claim was rejected, LCM and B&B businesses). Need clarification with regard to Probate Code §11420(b) (payment in a proportionate share if property is insufficient to pay all debts in any class).

Examiner notes that there may be additional issues upon further review.

Atty Kruthers, Heather H., of County Counsel (for Public Administrator)

**Petition for Court Authorization to Sell Real Property of the Estate
(Prob. C. 10589)**

DOD: 12/7/2008		<p>PUBLIC ADMINISTRATOR, Administrator of the Estate appointed on 2/15/2011 with Full IAEA, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Petitioner proposes to sell the real property asset of Decedent's estate located in Reedley, CA, because there is an outstanding bill in the amount of \$61,686.00 owed to the Fresno County Development Division Rehabilitation Program that is to be paid in the process of escrow; The property was reappraised [per <i>Reappraisal for Sale</i> filed on 3/22/2011] and was listed at \$85,000.00, and the highest offer received of \$95,000.00 was accepted on 8/22/2011, with a deposit of \$5,000.00 having been made by the proposed buyer, CANDALARIA DOMINQUEZ; A <i>Notice of Proposed Action</i> was mailed on 8/25/2011, and before the sale completion date of 9/9/2011, an objection was received from each of the estate heirs, Decedent's children: DENISE TUTTLE, SHARON TUTTLE, and EDGAR TUTTLE, as they hoped to obtain a loan to purchase the real property themselves; The Public Administrator was informed by the proposed lender that the lender would only authorize \$49,000.00, leaving the heirs to come up with \$46,000.00 to match the \$95,000.00 bid made by the proposed buyer; To date, no loan has been obtained by the objectors, and there is danger of losing the current proposed buyer; Because of the objections, the sale cannot be completed and even with full IAEA authority, a Court order is required pursuant to Probate Code § 10589 after an objection has been made; Terms of the proposed sale are, in part: cash sale with 6% commission (\$5,700.00) to be split equally between buyer's and seller's agents; property sold "as is" except as to title; buyer and seller each pay 50% of escrow fee; buyer's deposit is subject to Probate Code § 10350. <p>Petitioner prays for an order authorizing the Public Administrator to sell the real property of the estate to Candalaria Dominquez for \$95,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Rejection of Creditor's Claim filed on 10/5/2011 shows the claim of the Fresno County Community Development Division Rehabilitation Program and Fresno County Auditor Controller – Tax Collector RCU in the amount of \$61,686.00 filed with the Court on 6/20/2011 has been rejected by the Public Administrator, with notice of the rejection given on 9/12/2011.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: LEG

Reviewed on: 10/27/11

Updates:

Recommendation:

File 5 - Tuttle

Petition for Order Establishing Special Needs Trust; and for Authorization for Initial Trust Expenditures (Prob. C. 3600-3613)

Age: 34 years DOB: 4/1/1977		<p>MICKLOS LEMONS, a conserved adult, by his attorneys, Dowling, Aaron and Keeler, seeks and order under Probate Code §3600 – 3613 to establish a Special Needs Trust (SNT) with Mr. Lemons as the proposed beneficiary.</p> <p>Mr. Lemons has been diagnosed with mental retardation, and the State of California has determined that the level of his disability is severe.</p> <p>The SNT will be funded from proceeds of a litigation settlement. All of the parties in the Litigation Action have reached a settlement with Mr. Lemons in his favor in the amount of \$46,548.00. Before any SNT is funded with these funds, by prior order of the Court dated 10/27/10, the Law Offices of Joanne Sanoian are to be paid \$3,400.00 from the settlement proceeds for services to the Conservators and \$355.00 for costs advanced. After payment to the Law Offices of Joanne Sanoian, Mr. Lemons will receive \$42,793.00.</p> <p>Petitioner states the settlement proceeds if provided directly to Mr. Lemons would eliminate his continuing eligibility for SSI and Medi-Cal because they exceed \$2,000.00</p> <p>Petitioner seeks an order of this Court that the assets from the settlement be paid to the Trustee of the MICKLOS LEMONS SPECIAL NEEDS TRUST.</p> <p>The proposed Special Needs Trust complies with all Federal, State and Local Requirements.</p> <p style="text-align: center;"><i>Continued on additional page</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Related case on page 3</p>
Cont. from 071111, 082411			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 10/27/11
Updates:
Recommendation:
File 6 - Lemons

The proposed Special Needs Trust complies with California Rules 7.903(c) as follows:

- The Trust does not contain a “no-contest” provision;
- It prohibits modifications or revocations without court approval;
- It clearly identifies the trustee and any other person with authority to direct the trustee to make payments;
- It prohibits investments by the trustee other than those permitted under Probate Code §2574;
- It requires the Trustee to post bond in the amount required under Probate Code §2320-2335;
- It requires the Trustee to file accounts and report for court approval in the manner and frequency required by Probate Code §1060-1064 and §2620-2628;
- It requires Court approval of changes in trustees and court order appointing any successor trustee;
- It requires that compensation of the trustee, the members of any advisory committee, or the attorney for the trustee to be in just and reasonable amounts that must be fixed and allowed by the court

The proposed Special Needs Trust complies with Fresno County Local Rules as follows:

- A copy of the proposed trust instrument is attached to the petition to establish the Trust;
- The Trust complies with California Rules of Court 7.903;
- The Trust requires court confirmation for any purchase or sale of trust real property;

Petitioner proposes that **FREDA B. BALES** be named as the initial Trustee with **bond fixed at \$48,484.46**. Freda Bales consents to this appointment.

Petitioner requests an order of the Court that the Trustee is authorized to use asset of the SNT for the following purchases:

1. To purchase a bedroom set for Micklos Lemons n an amount not to exceed \$2,000.00;
2. To utilize trustee monies to meet Mr. Lemons’ vision, dental and audiology needs which are not covered by Medi-Cal, including the payment of needed procedures as they arise, and/or for the purchase of insurance on an ongoing basis without the need for court approval for each instance;
3. The purchase of some items to enhance Mr. Lemons’ life in a combined amount not to exceed \$2,000.00, including, a new bicycle, a new stereo and a vacation to Disneyland. It also requests the court approve the use of SNT funds to pay for room and board and the price of a ticket for Mr. Lemons’ caregivers, Freda Bales and Sharon Bushman, as they would otherwise lack the financial means to take him on the trip;
4. The purchase of a burial headstone for Mr. Lemons and his deceased father in an amount not to exceed \$675.00;
5. The purchase of a pre-needs burial plan in an amount not to exceed \$6000.00.

Please see additional page

Petitioner prays for an Order:

1. That the Court establish the MICKLOS LEMONS SPECIAL NEEDS TRUST.
2. That Petitioner be directed to execute it on behalf of Micklos Lemons and that the Court has continuing jurisdiction over the Micklos Lemons Special Needs Trust;
3. That FREDA BALES shall serve as the initial trustee with bond fixed at \$48,484.46;
4. That Mr. Lemons has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;
5. That Mr. Lemons is likely to have special needs that will not be met without the Trust;
6. That money to be paid to the Trust does not exceed the amount that appears reasonably necessary to meet Mr. Lemons' special needs;
7. That the payment of all monies due to Mr. Lemons from the Litigation Settlement be paid to the Trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien, if any;
8. That any proceeds of the settlement award received by Mr. Lemons' attorney before the hearing of this petition and deposited in attorney's attorney/client trust account shall not be considered received by Mr. Lemons for public benefits eligibility purposes;
9. That the assets of the estate are unavailable for the beneficiary and shall not constitute a resource to Mr. Lemons for Mr. Lemons' financial eligibility for Medi-Cal, SSI; regional center assistance, or any other program of public benefits;
10. That the Trustee provide the Court with a biennial account and report of the SNT beginning with the period 1 year after the court approves the establishment of the trust and every 2 years thereafter;
11. That the Trustee is authorized to use the assets of the SNT to purchase a bedroom set for Mr. Lemons in an amount not to exceed \$2,000.00;
12. That the Trustee is authorized to use trust assets to meet Mr. Lemons' vision, dental and audiology needs which are not covered by Medi-Cal, including the payment of needed procedures as they arise, and/or for the purchase of insurance on an on-going basis;
13. That the Trustee is authorized to use assets of the SNT to purchase some items to enhance Mr. Lemons' life in a combined amount not to exceed \$2,000.00, including a new bicycle, a new stereo, and a vacation to Disneyland, including payment of room, board and tickets for Mr. Lemons' caregivers for such vacation to Disneyland;
14. That the Trustee is authorized to purchase a burial headstone to be shared by Mr. Lemons and his deceased father in an amount not to exceed \$675.00 and a prepaid burial contract for Mr. Lemons for funeral expenses in an amount not to exceed \$6,000.00.

Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 04/03/11			DONALD FREITAS, nephew/named Executor without bond, is Petitioner. Limited IAEA – NEED Will dated 03/19/02 Residence: Fresno Publication: NEED <u>Estimated Value of the Estate:</u> Personal property - \$114,180.00 Probate Referee: RICK SMITH	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of publication. 2. Petition states that the decedent had a predeceased spouse. The spouses name and date of death should be listed in item 8 of the Petition pursuant to Local Rule 7.1.1D.
Cont. from				
	Aff.Sub.Wit.	s/p		
✓	Verified			
	Inventory			
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	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.	x		
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: JF
Reviewed on: 10/27/11
Updates:
Recommendation:
File 7 - Lawson

		<p>JULIETA GUERRERO, mother of the minor, is petitioner.</p> <p>Petitioner states the minor in this proceeding, Gabriella Guerrero, is four years old. She is the only child of the decedent. Decedent owned real property at the time of his death.</p> <p>Petitioner requests the court appoint her as Guardian Ad Litem for the minor, Gabriella Guerrero, for the purpose of filing a Petition to Determine Succession on the minor's behalf.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
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	Video Receipt		
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	Order		
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	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: KT</p> <p>Reviewed on: 10/27/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8B – Guerrero</p>

Status of Sale Confirmation

DOD: 1-26-04		<p>ANTONETTE FREGOSO, Daughter, was appointed Administrator with full IAEA without bond and Letters issued on 6-15-04.</p> <p>Final Inventory and Appraisal filed 8-13-04 reflects a total estate value of \$264,250.00 as of the date of death (1-26-04), which included a small amount of cash from the register of a restaurant (Decedent's one-half interest in the business), a vehicle, personal property (furniture and furnishings), a residence valued at \$145,000.00, and an undivided one-half interest in a business and real property valued at \$112,500.00.</p> <p>Inventory and Appraisal ("Reappraisal Final Dist") filed 1-3-11 reflects revised values for the real properties as follows: residence \$90,000.00; undivided one-half interest in business and real property \$70,000.00 (total: \$160,000.00).</p> <p>Minute Order 11-10-10 (Status hearing re Failure to File a First Account or Petition for Final Distribution): Atty LeVan represents to the court that EDD has a claim against the estate, that the estate is now insolvent, and that Steven Diebert has destroyed his files related to this matter. Ms. LeVan is waiting for the new Inventory and Appraisal to send to EDD to see if they will drop their claim or choose to foreclose. The court orders Ms. LeVan to file a written status report by 1-12-11 regarding these representations and further orders her to communicate with Don McKinney of EDD and advise him that the court wants to know their position for the 1-12-10 report. Matter continued to 1-19-11.</p> <p>Minute Order 1-19-11 (Status hearing re Failure to File a First Account or Petition for Final Distribution): Counsel advises the court that they are waiting for financing and the sale to close. Matter set for Status of Sale Confirmation on 3-16-11.</p> <p>Minute Order 3-16-11: Counsel advises the Court that an offer was finally received. Counsel requests a continuance.</p> <p>Status Report filed 8-26-11 states the property will be sold for \$125,000.00 as soon as a release is received from the Labor Dept.</p> <p>Notice of Proposed Action filed 9-22-11 attaches an estimated closing statement for the sale of one of the properties.</p>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-19-11: Counsel advises the court that they are waiting for financing and the sale to close. Hearing was set on 3-16-11 for status of sale confirmation.</p> <p>Minute Order 3-16-11: Counsel advises the Court that an offer was finally received. Counsel requests a continuance.</p> <p>Minute Order 5-4-11: Counsel advises the Court that they are making progress, but will need a continuance.</p> <p>Minute Order 7-6-11: Counsel advises the Court that progress is being made and the EDD matter should be resolved very soon.</p> <p>Minute Order 8-31-11: Counsel advises the Court that papers are being signed today and escrow will be closing in 10 days. Matter continued to 11-2-11.</p> <p>As of 10-27-11, a final account has not been filed. The following issue remains from prior hearings:</p> <p>Note: Examiner was previously unable to tell from the prior status report <u>which</u> property was in negotiations. The Status report filed 1-11-11 stated that the property value is \$160,000.00 and an offer received was \$150,000.00; however, I&A filed 1-3-11 indicates that the <u>two</u> properties (residence and ½ interest in business property) have a <u>combined</u> total value of \$160,000.00.</p> <p>Status report filed 8-26-11 and Notice of Proposed Action filed 9-22-11 indicate that <u>only the ½ interest in the business property is subject to the sale.</u></p> <p>The following issue remains:</p> <p>1. Need final account/petition for distribution.</p>	
Cont. from 090210, 110410, 111010, 011911, 031611, 050411, 070611, 083111					
Aff.Sub.Wit.					
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UCCJEA					
Citation					
FTB Notice					
				<p>Updates:</p> <p>Contacts: Reviewed 10-27-11</p> <p>Recommendation:</p> <p>Reviewed by: skc</p> <p>File 9 - Canales</p>	

			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Order for Final Distribution signed on 8/31/11.</p>
Cont. from			
	Aff.Sub.Wit.		
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	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/27/11
			Updates:
			Recommendation:
			File 10 - Macleod

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq); Failure to File Inventory and Appraisal

DOD: 2/10/07	SAM ANDO was appointed Executor of the estate will full IAEA and without bond on 4/19/2009.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 092811	Inventory and appraisal was due 8/19/09.	<u>Note:</u> Sam Adno was formerly represented by Roger Krouskup. A substitution of attorney was filed on 9/8/11 substituting in Ruth Ratzlaff.
Aff.Sub.Wit.		
Verified	First account or petition for final distribution was due 4/19/2010.	1. Need Inventory and Appraisal, first account or petition for final distribution or current status report.
Inventory		
PTC	This status hearing was set for the filing of the inventory and appraisal and the filing of a first account or petition for final distribution.	<div>Reviewed by: KT</div> <div>Reviewed on: 11/27/11</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 11 - Ando</div>
Not.Cred.		
Notice of Hrg		
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Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Atty Felisciano, Erica (pro per – maternal aunt/Petitioner)

Atty Dominguez, Dora (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 4		<p align="center"><u>TEMPORARY EXPIRES 9/21/11</u> <u>THIS PETITION IS AS TO THE MINOR LUIS ANTONIO LEYVA ONLY</u></p> <p>ERICA FELISCIANO, maternal aunt and DORA DOMINGUEZ, maternal grandmother, are Petitioners.</p> <p>Father: JOSE ENRIQUE LEYVA; residing in Mexico</p> <p>Mother: SOPHIA FELISCIANO; <i>Minute Order of 8/17/11 dispenses with notice to Mother</i></p> <p>Paternal grandfather: ENRIQUE LEYVA; <i>Minute Order of 9/21/11 dispenses with notice</i></p> <p>Paternal grandmother: CHELA RODRIGUEZ</p> <p>Maternal grandfather: ERIC FELISCIANO;</p> <p>Siblings: MARIA HERRERA, PAULINA HERRERA, TAMARA HERRERA (all under 12 years of age)</p> <p>Petitioners state that the child's mother is unfit to care for the child and has no place to live. Minor previously lived with Petitioner Dora Dominguez in Mexico from 06/15/07 to 10/31/10 when Mother came and got him. Petitioner Dominguez now lives in the United States and wants joint guardianship with Petitioner Felisciano. Petitioner Felisciano was appointed guardian of minor's siblings on 08/31/09. Father lives in Mexico.</p> <p><u>Court Investigator Samantha Henson's report, filed 6/8/11.</u></p> <p><u>Court Investigator Jennifer Young's Report, filed 8/15/11.</u></p>	<p>NEEDS/PROBLEMS/COMMENTS: <u>**THIS PETITION IS AS TO THE MINOR LUIS ANTONIO LEYVA ONLY**</u></p> <p><i>Continued from 9/21/11. Minute Order states:</i> E-mail from Court Investigator Samantha Henson is shown to the Court and placed in the file. The Court finds that notice has been given to Dora Dominguez. The Court dispenses with further notice to Enrique Leyva (paternal grandfather). The Court extends the temporary as to Erica Felisciano to 11/2/11 on the condition that Luis Leyva not be removed from the State of California. The Court denies the petition as to Dora Dominguez. The Court orders that staff contact CPS regarding the welfare of Luis Leyva. Additionally, CPS is to be informed that Eric Felisciano, the grandfather, wishes to take custody of Luis. The Court continues the matter to 11/2/11. The Court orders Erica Felisciano to be present on 11/2/11 and bring Luis Leyva with her. The Court indicates for the record that if Erica Felisciano wishes to relinquish the child to CPS, she may do so.</p> <p>1. Need proof of personal service at least 15 court days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for: Jose Enrique Leyva (father)</p> <p>2. Need proof of mail service at least 15 court days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for: *Chela Rodriguez (paternal grandmother)</p> <p align="center"><u>SEE ATTACHED PAGE</u></p>	
DOB: 11/24/06				
Cont. from 061511, 081711, 092111				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
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	Notice of Hrg			x
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✓	Letters			
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	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
<p>Updates:</p> <p>Contacts: copy of notes in file; reviewed 10/28/11.</p> <p>Recommendation:</p> <p>Reviewed by: NRN</p> <p>File 13 – Leyva & Herrera</p>				

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF-CALENDAR; FINAL WAIVER OF BOND FILED 10/21/11; Order for Probate to be signed <i>ex parte</i></u>
DOD:		
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FTB Notice		
		Reviewed by:
		Reviewed on:
		Updates:
		Recommendation:
		File 14 - Schoenlein

Atty Salcedo, Juan Sr. (Pro Per – Paternal Grandfather – Petitioner)
 Atty Seals, Jeanone N (Pro Per – Fiancée of Paternal Grandfather – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Angelina Rosemary Salcedo Age: 6 DOB: 11-15-04	<u>TEMPORARY WAS DENIED</u> <u>ON 09/19/11</u>		NEEDS/PROBLEMS/COMMENTS: Page 15A is for three minors: Angelina Rosemary Salcedo, Juan Angel Salcedo and David Salcedo. Page 15B is for one minor: Arianna Godinez. Page 15C is for two minors: Anthony David Ramirez and Felicianna Destiny Ramirez only.
Juan Angel Salcedo Age: 4 DOB: 12-30-06	JUAN SALCEDO SR., Paternal Grandfather, and JEANONE N. SEALS, his fiancée, are Petitioners.		
David Salcedo Age: 4 DOB: 12-30-06	Father: JUAN SALCEDO, JR. – <i>declaration of due diligence filed 09/19/11</i>		1. Need Notice of Hearing. 2. Declaration of Due Diligence for father, Juan Salcedo, Jr., states that his whereabouts are unknown and the Petitioners were unable to locate him after asking around. If diligence is not found, need proof of personal service of Notice of Hearing with a copy of this Petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice: - Juan Salcedo, Jr. (Father)
	Mother: FELICIA OROZCO - <i>Nomination and Consent and Waiver of Notice filed 9-2-11</i>		
Cont. from	Paternal Grandmother: Rosemary Salcedo - <i>deceased</i> Maternal Grandfather: David Orozco - <i>deceased</i> Maternal Grandmother: Linda Huerta - <i>Petitioner at Page 19C</i>		
<input type="checkbox"/> Aff.Sub.Wit.			
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<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

JUAN SALCEDO SR., Paternal Grandfather, and JEANONE N. SEALS, his fiancée, are Petitioners.

Father: JUAN SALCEDO, JR. – *declaration of due diligence filed 09/19/11*

Mother: FELICIA OROZCO - *Nomination and Consent and Waiver of Notice filed 9-2-11*

Paternal Grandmother: Rosemary Salcedo - *deceased*
 Maternal Grandfather: David Orozco - *deceased*
 Maternal Grandmother: Linda Huerta - *Petitioner at Page 19C*

Siblings: Arianna Godinez (11), Anthony David Ramirez (8), Felicianna Destiny Torres (13), Julian Salcedo (age not provided)

Petitioners state CPS removed all six children from Mother. A copy of the CPS Team Decision-Making Summary Report dated 8-19-11 attached indicates Mother agrees with placement of minors Angelina Rosemary Salcedo, Juan Angel Salcedo and David Salcedo with Petitioners under legal guardianship. Petitioners state they can provide a stable home and medical attention for these three children. The UCCJEA indicates that the children were previously homeless with their mother for about four months earlier this year.

Court Investigator Jennifer Young's report was filed 10/26/11.

NEEDS/PROBLEMS/COMMENTS:

Page 15A is for three minors:
 Angelina Rosemary Salcedo, Juan Angel Salcedo and David Salcedo.

Page 15B is for one minor:
 Arianna Godinez.

Page 15C is for two minors:
 Anthony David Ramirez and Felicianna Destiny Ramirez only.

1. Need Notice of Hearing.
2. Declaration of Due Diligence for father, Juan Salcedo, Jr., states that his whereabouts are unknown and the Petitioners were unable to locate him after asking around. If diligence is not found, need proof of personal service of Notice of Hearing with a copy of this Petition at least 15 days prior to the hearing or consent and waiver of notice:
 - Juan Salcedo, Jr. (Father)

Reviewed by: JF

Reviewed on: 10/27/11

Updates:

Recommendation:

File 15A – Godinez, Ramirez & Torres

Atty Jimenez, Ramona (Pro Per – Paternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Arianna Godinez Age: 11 DOB: 2-3-00		<u>TEMPORARY EXPIRES 11/02/11</u> RAMONA JIMENEZ , Paternal Grandmother, is Petitioner. Father: BENITO GODINEZ <i>- Nomination and Consent and Waiver of Notice filed 9-2-11</i> Mother: FELICIA OROZCO <i>- Nomination and Consent and Waiver of Notice filed 9-2-11</i> Paternal Grandfather: Benito Godinez, Sr. <i>- Nomination and Consent and Waiver of Notice filed 9-2-11</i> Maternal Grandfather: David Orozco <i>- Deceased</i> Maternal Grandmother: Linda Huerta <i>- Petitioner at Page 19C, served by mail 09/12/11</i> Siblings: Angelina Rosemary Salcedo (6), Juan Angel Salcedo (4), David Salcedo (4), Anthony David Ramirez (8), Felicianna Destiny Torres (13) Petitioner states CPS removed the children from Mother. Mother relapsed and is back to using drugs. A copy of the CPS Team Decision-Making Summary Report dated 8-19-11 attached indicates Mother agrees with placement of minor Arianna Godinez with Petitioner under legal guardianship. Court Investigator Julie Negrete's report was filed 10/25/11.	NEEDS/PROBLEMS/COMMENTS: <u>Page 15A is for three minors:</u> Angelina Rosemary Salcedo, Juan Angel Salcedo and David Salcedo. <u>Page 15B is for one minor:</u> Arianna Godinez. <u>Page 15C is for two minors:</u> Anthony David Ramirez and Felicianna Destiny Ramirez only.
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		Reviewed by: JF Reviewed on: 10/27/11 Updates: Recommendation: File 15B – Godinez, Ramirez & Torres	

Atty Huerta, Linda G. (Pro Per – Maternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Anthony David Ramirez Age: 8 DOB: 5-9-03	<u>TEMPORARY EXPIRES 11/02/11</u> LINDA HUERTA , Maternal Grandmother, is Petitioner. Father (Anthony): ANDREW ANTHONY RAMIREZ - Incarcerated at Corcoran State Prison - Personally served 9-12-11 Father (Felicianna): ALBERT PERAIDA TORRES - Incarcerated in Fresno County Jail - Personally served 09/12/11 Mother: FELICIA OROZCO - Nomination and Consent and Waiver of Notice filed 9-2-11 Paternal Grandfather (Anthony): Anthony Ramirez - Deceased Paternal Grandmother (Anthony): Rene Ramirez Paternal Grandfather (Felicianna): Albert Torres – served by mail 09/12/11 Paternal Grandmother (Felicianna): Rosa Torres – served by mail 09/12/11 Maternal Grandfather: David Orozco - Deceased Petitioner states CPS requested she take the children. A copy of the CPS Team Decision-Making Summary Report dated 8-19-11 attached indicates Mother agrees with placement of minors Anthony David Ramirez and Felicianna Destiny Torres with Petitioner under legal guardianship. Court Investigator Samantha Henson's report was filed 10/26/11.	NEEDS/PROBLEMS/COMMENTS: <u>Page 15A is for three minors:</u> Angelina Rosemary Salcedo, Juan Angel Salcedo and David Salcedo. <u>Page 15B is for one minor:</u> Arianna Godinez. <u>Page 15C is for two minors:</u> Anthony David Ramirez and Felicianna Destiny Ramirez only.
Felicianna Destiny Torres Age: 13 DOB: 9-23-97		
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	Reviewed by: JF Reviewed on: 10/27/11 Updates: Recommendation: File 15C – Godinez, Ramirez & Torres	

		JAMES L. SACCHERI is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Accounting does not comply with Probate Code §16063 and §1060 et seq. 2. Petition does not include the names and addresses of those entitled to notice. Probate Code §17201. 3. Need Notice of Hearing. Probate Code §17203. 4. Need proof of service of the Notice of Hearing on all interested parties. Probate Code §17203. 5. Need order.
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Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 10/28/11	
		Updates:	
		Recommendation:	
		File 16 – Marando	

Atty Longoria, Irma (pro per Petitioner/paternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Andrea age: 13 years DOB: 4/8/1998		Temporary Expires 11/2/11	NEEDS/PROBLEMS/COMMENTS:
Alicia age: 9 years DOB: 1/28/2002			
Gabriella age: 9 years DOB: 1/28/2002		IRMA LONGORIA , paternal grandmother, is petitioner. Father: LOUIE LONGORIA - <i>consents and waives notice.</i> Mother: REGINA DEVINE Paternal grandfather: Unknown Maternal grandfather: Ronald Devine – <i>present in court on 9/21/11.</i> Maternal grandmother: Linda Devine.	Continued from 9/21/11. Minute order states the Court is advised that mother, Regina Devine, is in custody. Two letters from Regina Davis are accepted by the Court and filed. The petitioner is directed to serve mother. The Court on its own motion grants a temporary guardianship in favor of Irma Longoria. Temporary to Expire on 11/2/11. Visitation to be determined among the parties. The Court directs that when the minors are visiting with Ronald Devine, they are not to participate in youth or adult activities regarding his faith.
Cont. from 092111			
<input type="checkbox"/>	Aff.Sub.Wit.		<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> a. Regina Devine (mother) 3. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> a. Linda Devine (maternal grandmother) b. Unknown paternal grandfather. 4. #1c of the Child Information Attachment was not completed regarding American Indian ancestry.
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Age: 8 years DOB: 4/28/2003		<u>Temporary Expires 11/2/11</u>		NEEDS/PROBLEMS/COMMENTS:	
		JOSEPHINA GONZALEZ, maternal grandmother, is Petitioner.		<ol style="list-style-type: none"> Need proof of personal service of the <i>Notice of Hearing</i> and a copy of the <i>Petition or Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> Richard Longboy, father. (Note: Father was served by mail. Probate Code §1511 requires personal service. Petition does not include the names and addresses of the paternal grandparents or the maternal grandfather. Need proof of service of the <i>Notice of Hearing</i> and a copy of the <i>Petition or Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> Paternal grandparents Maternal grandfather <i>UCCJEA</i> form filed on 9/2/2011 does not provide residence information for the last 5 years as required. 	
Cont. from		Father: RICHARD LONGBOY			
	Aff.Sub.Wit.				
✓	Verified				
Inventory		Mother: GRACIE CAMARILLO – <i>court dispensed with notice by minute order dated 9/15/11.</i>			
PTC					
Not.Cred.					
✓	Notice of Hrg				
✓	Aff.Mail	W/O	Paternal grandfather: <i>Not listed</i> Paternal grandmother: <i>Not listed</i> Maternal grandfather: <i>Not listed</i>		
Aff.Pub.					
Sp.Ntc.					
Pers.Serv.					
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
Objections		Petitioner states the child needs a guardian because her father is incarcerated, her mother is unstable and has not been in the child's life for two years, and the child has no home. Petitioner states the child's father wishes that the child live with the Petitioner.			
Video Receipt					
✓	CI Report				
9202					
✓	Order				
Aff. Posting		Court Investigator Dina Calvillo's Report filed on 10/18/11.			
Status Rpt					
✓	UCCJEA				
Citation					
FTB Notice					
				Reviewed by: KT	
				Reviewed on: 10/28/11	
				Updates:	
				Recommendation:	
				File 18 - Longboy	

Atty Miller-Jordan, Suzanne (pro per Petitioner/maternal grandmother)

Atty Jordan, Timothy K (pro per Petitioner/maternal step-grandfather)

Atty Dixon, Anthony W. (pro per Objector/father of Hayden)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Kyle age: 13 years DOB: 9/12/1997		<u>Temporary (for Kyle Miller only) Expires 11/2/11</u>	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: a. Kyle Miller (minor age 13) – personally served on 10/27/11, 5 days-notice and not the required 15 days-notice. b. Crystal Dawn Perez (mother) (Note: mother signed a nomination but did not sign a waiver of notice) 2. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: a. Becky Dixon (Hayden's paternal grandmother) b. Larry Dale Miller (maternal grandfather) Mailed notice. However the proof of service does not include the date notice was mailed.
Hayden age: 4 years DOB: 5/24/07			
Cont. from		SUZANNE MILLER-JORDAN and TIMOTHY KENT JORDAN, maternal grandmother and maternal step-grandfather, are petitioners. Kyle's Father: EDWARD BARNETTE – <i>copy of consent and waiver of notice filed on 9/16/11</i> Hayden's Father: ANTHONY DIXON Mother: CRYSTAL DAWN PEREZ Kyle's paternal grandfather: Ricardo Pereira – <i>consents and waives notice.</i> Kyle's paternal grandmother: Martha Pereira – <i>consents and waives notice.</i> Hayden's paternal grandfather: <i>Deceased</i> Hayden's paternal grandmother: Becky Dixon Maternal grandfather: Larry Dale Miller Petitioners state the mother dropped Kyle off with them on 7/19/11 for a "couple of days" and has not returned. When mom did not return she signed the minor up for school. On 8/30/11 Kyle was riding his bike home from school, hit a rock, fell and broke his wrist. Mom could not be located and the hospital staff placed a call to CPS. CPS told Petitioners that they needed to obtain guardianship. Dr. Allyn Lancy stated that Kyle may need to have surgery on his wrist. Objections of Anthony Dixon, father of Hayden, filed on 10/12/11 states there is currently a family law case open (08CEFL05620) where he is requesting sole legal and sole physical custody of Hayden. Mr. Dixon requests that the family law case proceed instead of the guardianship. There is an Order to Show Cause hearing in the family court set for 11/8/11. Therefore Mr. Dixon is requesting the guardianship of Hayden be denied. Court Investigator Jo Ann Morris' Report filed on 10/20/11.	
✓	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		W/
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: KT			
Reviewed on: 10/27/11			
Updates: 10/31/11			
Recommendation:			
File 19 – Miller & Dixon			

Atty Foster, Ester (Pro Per – Daughter – Petitioner)
 Atty Boyett, Deborah (Court-appointed for the Proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 81			<p align="center"><u>TEMPORARY DENIED AT 10/13/11</u> <u>HEARING</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 10/17/11.</p> <p>Voting rights affected, need minute order.</p>
DOB: 03/15/30				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.		<p>ESTER FOSTER, Daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.</p> <p>Declaration of Perminder Bhatia, M.D. was filed.</p> <p>Voting rights affected.</p> <p>Petitioner states the proposed conservatee suffers from diminished mental capacity, epilepsy, congestive heart failure, and has a pacemaker. She needs help with basic needs. Conservatorship is necessary for Petitioner to provide the proper care for her.</p> <p>Court Investigator Jennifer Young filed a report on 10-27-11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 10/17/11.</p> <p>Voting rights affected, need minute order.</p>
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt		<p>Reviewed by: JF</p> <p>Reviewed on: 10/28/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20 - Garza</p>	
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			

Age: 17 years DOB: 8/16/1994	Temporary Granted Ex Parte on 10/24/11. <u>TEMPORARY EXPIRES 11/2/11.</u>	NEEDS/PROBLEMS/COMMENTS:
	MARIA MASON, maternal grandmother, is petitioner.	1. Petitioner filed a declaration of due diligence for the father, Damien MacLeod. If the court does not dispense with notice to the father will need: Proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice for father, Damien MacLeod.
Cont. from	Father: DAMIEN MACLEOD – <i>Declaration of Due Diligence filed on 10/21/11.</i>	
✓ Aff.Sub.Wit.	Mother: ALICIA MARIE VALE – <i>deceased.</i>	
✓ Verified		
Inventory	Paternal grandfather: Tim MacLeod Paternal grandmother: Unknown Maternal grandfather: Virgil Charles Vale – <i>deceased.</i>	
PTC		
Not.Cred.	Minor Kendra Marie Vale- <i>consents and waives notice.</i>	
Notice of Hrg		
Aff.Mail	Petitioner states mom passed away in September. The minor's biological father has never been in her life and her stepfather has never formally adopted her. Currently the minor has no medical or dental coverage. If appointed as guardian Petitioner states she could place the minor on her employer's insurance.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 11/2/11
		Updates:
		Recommendation:
		File 21 - Vale

Age: 81	CAROL LOPEZ , daughter, was appointed Conservator of the Person and Estate 02/09/11 and Letters were issued on 04/27/11.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 10/26/11</u> 1. Need Inventory & Appraisal.	
DOB: 05/28/30			
Cont. from 101711, 102611			
Aff.Sub.Wit.			
Verified			
Inventory			x
PTC			
Not.Cred.			
Notice of Hrg	Notice of Status Hearing filed 08/23/11 set this matter for hearing on 10/17/11. Minute Order from 10/17/11 hearing continued this matter to 10/26/11. Minute Order from 10/26/11 continued this matter to 11/02/11.		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 11/01/11	
		Updates:	
		Recommendation:	
		File 22A - Eaton	

Age: 81 DOB: 05/28/30		CAROL LOPEZ, Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 10/26/11</u>	
		Sale Price - \$135,000.00		1. Need Inventory & Appraisal. (See page 22A) The sale price does not appear to meet the requirement that the sales price be within 90% of the appraised value (Probate Code §10309). Further, without an appraisal, the court is unable to determine if a reappraisal is necessary pursuant to Probate Code §10309. <i>Note: The petition states that the property was appraised in the Estate of James R. Eaton matter and is included on an Inventory & Appraisal in that matter. However, no Inventory & Appraisal has been filed in this conservatorship matter, therefore the Court is unable to determine/verify the assets of the Conservatorship Estate, their value or the date that the assets were appraised.</i> Note: The Petition states that the conservatee's 50% interest in the property to be sold is <u>not an asset of her conservatorship</u> , but is an asset of the James R. Eaton and Esther Eaton Living Trust and is being administered through the estate of the conservatee's husband in Tulare County. Since the residence is not an asset of the conservatorship estate, it appears that this Report of Sale and Petition for Order Confirming Sale of Real Property is not appropriate and/or necessary in this Conservatorship matter. The Court may require more information.	
		Overbid - \$142,250.00			
Cont. from 102611		Appraisal - \$165,000.00			
	Aff.Sub.Wit.	Reappraisal - Not Stated			
✓	Verified	Property - 40 Philip Ave. Clovis, CA 93612			
	Inventory	Publication - Not Published (Will of deceased spouse authorizes sale)			
	PTC	Buyers - Fred A. Osterberg, as Trustee of the Fred A. Osterberg Survivor's Trust created under the Osterberg Family Living Trust under Declaration of Trust dated August 14, 1996.			
	Not.Cred.	Broker - None			
✓	Notice of Hrg	Bond - None			
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
✓	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 11/01/11	
				Updates:	
				Recommendation:	
				File 22B - Eaton	

1 The Estate of Grete Iversen Trust of 1996**Case No. 09CEPR00948**

Atty Iversen, Judy K (for Judy K. Iversen and Carolyn Brooks/Trust Beneficiaries)
 Atty Pedersen, Kris B. (of Visalia, for William S. Bopp)
 Atty Marderosian, Michael G. (for William S. Bopp)
 Atty Fleming, G. Thomas III (of Los Angeles law firm Jones Bell, for Wells Fargo Advisors)

Probate Status Hearing Re: Proposed Order

Age:		THIS HEARING WAS CALENDARED AT THE 10/26/11 HEARING ON WELLS FARGO ADVISORS' MOTION TO STAY PROCEEDINGS	NEEDS/PROBLEMS/COMMENTS: 10/26/11 Minute Order states: Ms. Pedersen and Ms. Iversen are appearing via conference call. Parties advise the Court that an agreement has been reached as to the Stay. Parties agree to vacate Ms. Iversen's deposition scheduled for the 22 nd and reschedule it for a later date. The Court directs Mr. Marderosian to send a copy of the proposed order to Ms. Iversen and Ms. Pedersen. Ms. Iversen is to communicate her thoughts regarding the proposed order to counsel as indicated. If there is a disagreement, parties are to convene on 11/2/11 at 2:00 p.m. to go over the proposed order. If all parties agree to the agreement, counsel is to contact the court clerk and advise the Court that the order is ready to be signed at which time the 11/2/11 hearing will be taken off calendar. The Court further orders that to the extent that there is a hearing set for 11/22/11, that matter is off calendar.
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg		THE PROPOSED ORDER AT ISSUE IS THE ORDER RE: WELLS FARGO'S MOTIONS TO COMPEL ARBITRATION; AND MOTION TO "STAY" PROCEEDINGS	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			THIS STATUS HEARING IS ON CALENDAR FOR 2:00 P.M. ON 11/2/11.
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: NRN Reviewed on: 11/1/11 Updates: 11/1/11 Recommendation: File 1 - Iversen	